

ASSEMBLY BILL

No. 399

**Introduced by Assembly Member Wayne
(Principal coauthor: Assembly Member Jackson)**

February 12, 1999

An act to amend Section 30604 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 399, as introduced, Wayne. Coastal development permits: finding.

Existing law, the California Coastal Act of 1976, requires that any person wishing to perform or undertake any development in the coastal zone, as defined, obtain a coastal development permit, except as provided. The act requires that every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone include a specific finding that the development is in conformity with specified public access and public recreation policies.

This bill would revise those provisions to require that every coastal development permit issued for any development within the coastal zone include that specified finding pertaining to public access and public recreation policies.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30604 of the Public Resources
2 Code is amended to read:

3 30604. (a) Prior to certification of the local coastal
4 program, a coastal development permit shall be issued if
5 the issuing agency, or the commission on appeal, finds
6 that the proposed development is in conformity with
7 Chapter 3 (commencing with Section 30200) and that the
8 permitted development will not prejudice the ability of
9 the local government to prepare a local coastal program
10 that is in conformity with Chapter 3 (commencing with
11 Section 30200). A denial of a coastal development permit
12 on grounds it would prejudice the ability of the local
13 government to prepare a local coastal program that is in
14 conformity with Chapter 3 (commencing with Section
15 30200) shall be accompanied by a specific finding ~~which~~
16 *that* sets forth the basis for that conclusion.

17 (b) After certification of the local coastal program, a
18 coastal development permit shall be issued if the issuing
19 agency or the commission on appeal finds that the
20 proposed development is in conformity with the certified
21 local coastal program.

22 (c) Every coastal development permit issued for any
23 development ~~between the nearest public road and the~~
24 ~~sea or the shoreline of any body of water~~ located within
25 the coastal zone shall include a specific finding that the
26 development is in conformity with the public access and
27 public recreation policies of Chapter 3 (commencing
28 with Section 30200).

29 (d) No development or any portion thereof ~~which that~~
30 is outside the coastal zone shall be subject to the coastal
31 development permit requirements of this division, ~~nor~~
32 ~~shall anything and nothing~~ in this division ~~authorize~~
33 *authorizes* the denial of a coastal development permit by
34 the commission on the grounds the proposed
35 development within the coastal zone will have an adverse
36 environmental effect outside the coastal zone.

37 (e) No coastal development permit may be denied
38 under this division on the grounds that a public agency is

1 planning or contemplating to acquire the property on, or
2 property adjacent to the property on, which the proposed
3 development is to be located, unless the public agency has
4 been specifically authorized to acquire the property and
5 there are funds available, or funds—~~which~~ *that* could
6 reasonably be expected to be made available within one
7 year, for the acquisition. If a permit has been denied for
8 that reason and the property has not been acquired by a
9 public agency within a reasonable period of time, a
10 permit may not be denied for the development on
11 grounds that the property, or adjacent property, is to be
12 acquired by a public agency when the application for
13 ~~such a~~ *the* development is resubmitted.

